

In the Court of Appeals of the State of Alaska

Daniel R. Neal,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-12490**

Order

Affirming the Clerk's Decision to Enter
Judgment for Costs of Appointed
Attorney

Date of Order: **12/4/19**

Trial Court Case No. **1JU-10-00666CI**

The Appellant, Daniel R. Neal, appealed to this Court the superior court's dismissal of his second application for post-conviction relief. In *Neal v. State*, Alaska App. Memorandum Opinion No. 6815 (August 28, 2019), this Court vacated the judgment of the superior court, and remanded the case to the superior court for further proceedings.

Mr. Neal was represented by counsel at public expense in this appeal. Under Alaska Appellate Rule 209(b)(5), at the conclusion of any appellate case in which a criminal defendant is represented by court-appointed counsel, the Clerk of the Appellate Courts is directed to "enter judgment against the defendant for the cost of appointed appellate counsel unless the defendant's conviction was reversed by the appellate court." Because Mr. Neal was represented by court-appointed counsel in this appeal, because Neal's appeal was a felony merit appeal — and because Mr. Neal's conviction was not reversed — the Appellate Court Clerk's Office notified Mr. Neal that it intends to enter judgment against him in the amount of \$1500 for the cost of counsel. *See* Alaska Appellate Rule 209(b)(6).

Mr. Neal now seeks judicial reconsideration of the Appellate Clerk's decision. *See* Alaska Appellate Rule 503(h)(2)(A).

Appellate Rule 209(b)(5) and (6) require criminal defendants whose convictions are not reversed on appeal to reimburse to the government a portion of the cost of the attorneys who represent them at public expense. In his opposition to the entry of judgment for the cost of appellate counsel, Mr. Neal asserts that because of his current health and financial circumstances, “the loss of \$1500” would “cause a real hardship” in his life.

The Court recognizes that an appellant may obtain relief from a judgment upon a showing of financial hardship. But Mr. Neal has not made such a showing.

Because this Court did not reverse Mr. Neal’s conviction in this appeal, Mr. Neal is required to reimburse to the government a portion of the cost of the attorney who represented him at public expense. Accordingly, the decision of the Appellate Court Clerk to enter a \$1500.00 judgment against Mr. Neal for the cost of counsel under Appellate Rule 209(b) is **AFFIRMED**.

Entered at the direction of Judge Harbison.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Daniel R. Neal at P.O. Box 414, Hoonah, AK 99829

Distribution:

Mail:
Ahearn, Meredith A
Simel, Nancy R

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